Third, a tribunal thus constituted would promote friendly confidence between the two nations, because proceeding primarily on the principle that two civilized, Christian countries not only ought to settle, but can settle their differences between themselves, without appeal to others.

Finally, the plan is one easily adjustable to requirements in case other nations should wish to become parties to the tribunal.

Mr. Paine has prepared this plan with a view of promoting further critical study of the most important international question now before the minds of English-speaking peoples. We hope the subject may receive everywhere, especially among jurists and publicists, that careful and earnest consideration which its supreme importance demands.

A PERMANENT TRIBUNAL PRACTICABLE.

It is admitted by most intelligent people, who think upon the subject, that the progress of the application of judicial reasoning to the settlement of international disputes logically demands the setting up of a great international tribunal before which such disputes may be carried. Diplomacy is not sufficient. Temporary tribunals have accomplished much, but they necessarily have grave defects and fall far short of the best attainable ideal. No doubt all the disputes which have arisen between States of this Union could have been settled by negotiation or by tribunals temporarily created for the purpose, but how much simpler and more efficacious the system of a supreme court has been! The same must be true for international disputes, as soon as the application of the principles of law and equity to them is sufficiently advanced.

This is granted by most persons who think seriously about the subject. Yet two or three objections are often raised against an international tribunal, from the point of view of its practicability.

The first of these objections, and the one most frequently raised, is that there would be no power behind such a court to enforce its decisions. But this is a purely theoretical objection. It has been much dwelt on by French jurists, who are naturally given to idealistic ways of looking at things. The difficulty with the objection is that it assumes that there can be no sanctions of a law except those of force. The fact is that there are other sanctions, of conscience and honor, which are even more powerful with civilized men, and gradually make sanctions of force entirely unnecessary. This power of conscience and honor is chiefly what has enforced the decisions of our Supreme Court and rendered appeals to force entirely unnecessary. The States in establishing the Supreme Court have agreed to abide by its decisions, and they have invariably done so, "without burning an ounce of powder." Not a single one of the nearly one hundred important decisions rendered by the temporary arbitral tribunals set up for the adjustment of international disputes during this century has had any other sanction than this of public honor and conscience and yet they have all been carried out with the utmost fidelity. The nations setting up a high court of arbitration could undoubtedly find some sanctions of force, but this would be entirely unnecessary—nay, even harmful.

Another objection is that there are questions which can not be submitted to arbitration. Those who make this objection do not specify the questions which can not be submitted, or if they do, the questions are such as could by no possibility arise between nations having taken upon themselves treaty obligations to arbitrate their differences. A patriotic Englishman is reported to have said recently, with more energy probably than thoughtfulness, that he would never consent to arbitrate about the possession of the county of Kent. Of course he would not, for he would never be asked to do so. Arbitration implies independent parties, standing over against each other, acknowledging each other's independence, respecting each other's rights as well as claiming their own. The national existence of both, with all that it presupposes, is mutually acknowledged and respected. When two nations have reached a point of civilization where they are ready and feel under moral obligation to enter into a treaty of arbitration, they have quieted between them forever all questions which can not be arbitrated.

Another objection against a permanent tribunal is that there would be no legislation to guide it, and also difficulty in deciding upon the rules under which cases should be submitted. But in the case of the temporary tribunals which have been set up suitable rules of submission have been found. There seems no reason why this could not be done in the case of a permanent tribunal. In fact, it seems that the question of rules of submission ought to be a comparatively easy one, when it was known beforehand that the dispute must go to arbitration. The objection in regard to lack of legislation is not a serious one and has not been often made. The generally accepted principles of international law would furnish some guidance. Principles of equity would be still more valuable, and the systems of law prevailing in the contracting countries would furnish the court with many generally accepted principles. The existence of the court and its settlement of even a few cases would soon have a powerful effect in reducing international law to a system, and a new body of arbitration law would gradually be built up to guide the court in its deliberations.

It is announced that the Queen Regent of Spain has been chosen by the South American Republics of Ecuador, Colombia and Peru, to act as arbitrator in determining a disputed portion of their respective boundaries. This is said to be the first instance where a woman has been called upon to act as arbitrator in an international dispute. It will not be the last one.